



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 25, 2003

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-109 Delgado v. Trax Bar & Grill, S117287. (F040180; 109 Cal.App.4th 262; Stanislaus County Superior Court; 227476.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does a tavern owner who voluntarily provides security guards to monitor the tavern's parking lot and control patron behavior thereby assume the duty to protect patrons from assault by others in the parking lot, or is the existence of such a duty still subject to the foreseeability analysis of Ann M. v. Pacific Plaza Shopping Center (1993) 6 Cal.4th 666?

#03-110 People v. Randle, S117370. (A097168; 109 Cal.App.4th 313; Alameda County Superior Court; 137823.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issues: (1) Did the trial court err in refusing to instruct the jury, upon request, that if it found that the defendant, in committing the act that resulted in the death of the victim, acted under an actual but unreasonable belief in the need to use deadly force in defense of another, that mental state of the defendant would negate malice aforethought and would justify a conviction of voluntary manslaughter rather than murder? (2) If the trial court did err in refusing to so instruct the jury, was the error prejudicial on the facts of this case?

(over)

#03-111 In re Rhonda J., S117442. (C042637; unpublished opinion; El Dorado County Superior Court; SDP20010012.) Petition for review after the Court of Appeal affirmed an order in a dependency proceeding. The court ordered briefing deferred pending decision in In re S.B., S112260 (#03-14), which presents the following issues:

(1) Must the juvenile court make a specific order regarding parental visitation after a legal guardian is appointed for a child under Welfare and Institutions Code section 366.26, subdivision (c)(4), or may the court delegate visitation decisions to the guardian?

(2) May the validity of the trial court's visitation order be challenged on appeal in the absence of an objection to that order in the trial court?

STATUS

#01-170 Balser v. Wells Fargo Bank, N.A., S101833. In this case in which review was previously granted, the court ordered further action deferred pending decision in Mulder v. Pilot Air Freight, S105483 (#02-86) and Hagsberg v. California Federal Bank, S105909 (#02-111), which present the following issue: Is the privilege for reporting suspected criminal activity to a police officer (Civ. Code. § 47(b)) absolute or does it apply only to statements made in good faith?

In the following cases, in which briefing was previously deferred pending decision in Balser v. Wells Fargo Bank, N.A., S101833 (#01-170), and/or Mulder v. Pilot Air Freight, S105483 (#02-86), the court ordered briefing deferred pending decision in Mulder v. Pilot Air Freight, S105483 (#02-86) and Hagsberg v. California Federal Bank, S105909 (#02-111):

#02-48 Gehrs v. Planned Parenthood Golden Gate, S103793.

#02-116 Krupp v. Lombard Street Equities, S106903.

#02-141 Moradi v. Pimental Private Security, S107612.

#03-60 Smith v. M.D., S114192.

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